CLERK'S OFFICE U.S. DIST. COURT AT DANVILLE, VA FILED

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

SEP 2 3 2005

JOHN F. CORCORAN, CLERK BY: HMcDrald DEPUTY CLERK

JOSEPH LEE GARRETT,)	DEPUTY CLERK
Plaintiff,)	Civil Action No. 7:05cv00497
V.)) <u>MEMORA</u> NDUM OPINION
M. BLILEY,))	By: Hon. Jackson L. Kiser
Defendant.)	Senior United States District Judge

In accordance with the Memorandum Opinion entered this day it, is hereby

ORDERED

that defendant's motion for summary judgement, document number 5, is hereby **GRANTED** as to all plaintiff's § 1983 claims. This case shall be **STRICKEN** from the active docket of the court.

Plaintiff is advised that he may appeal this decision pursuant to Rules 3 and 4 of the Federal Rules of Civil Procedure by filing a notice of appeal with this court within thirty (30) days of entry of this Order, or within such extended period as the court may grant pursuant to Rule 4(a)(5) or 4(a)(6).

The Clerk of the Court is directed to send certified copies of this Order and accompanying Memorandum Opinion to plaintiff and counsel of record for the defendants.

ENTER: This <u>a3rd</u> day of September, 2005.

Senior United States District Judge